



**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET  
OSSINING, NEW YORK**

**APRIL 12, 2016  
7:30 P.M.**

**SUPERVISOR  
Dana Levenberg**

**COUNCILMEMBERS**

**Karen M. D'Attore   Elizabeth R. Feldman  
Kim L. Jeffrey   Northern Wilcher, Jr.**

**I.      CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL**

The Regular Meeting of the Town Board of the Town of Ossining was held on April 12, 2016 at the Birdsall-Fagan Police Court/Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Elizabeth R. Feldman, Kim L. Jeffrey and Northern Wilcher, Jr. Also present were Town Counsel Christie Tom Addona, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

**II.     ANNOUNCEMENTS**

Supervisor Levenberg read the following statement:

We have some exciting events coming up. The Village has invited the public to the ribbon cutting for the Sing Sing Kill Greenway at 6pm tomorrow, April 13<sup>th</sup> at the Community Center. Following that, at 7:30 the Village of Ossining's Work Session at the Municipal Building at 16 Croton Ave, there will be a presentation by Water Superintendent Andrew Tiess to discuss the Indian Brook Water Treatment Plant, water reservoir and dam reconstruction project and the capital plans associated with providing the Ossining Community with clean potable water. I encourage you to attend.

As you know, this Saturday, Green Ossining in conjunction with the Village and Town, is hosting an Earth Day Festival at Engel Park. It promises to be a beautiful day. This year's focus is on water, our precious and underappreciated resource. I hope you will all take some time to go down to our beautiful Hudson River to enjoy an array of artists and artisans, eco-demonstrations and hands-on activities, a kid's activity zone and so much more. Bring your e-waste or clothing for textile recycling, enjoy local foods and beverages, purchase rain barrels and compost bins, hear wonderful music, and enjoy performances and local art. Many of us will be there after the rescheduled Jesse Collyer Baseball and Softball Opening day parade which steps off from Roosevelt School at 8:30 am Saturday, so wear your sunblock and please join us. The Earth Day festival is from 11am-4pm. From 2-5pm on Saturday, there will also be educational programming for the public along the Sing Sing Kill greenway with experts to explain the historical, environmental, geological and engineering aspects of this project, so there are lots of opportunities for you to experience this wonderful new public green space. Also at 2pm and at 7pm on Saturday, Ossining Schools PTAs are hosting the Harlem Magic Masters vs. the O Dribblers in the Ossining High School Gymnasium. A very special event will be added at the first game, honoring the OHS Girls Basketball team with the Army National Guard acknowledging them as a championship team, a very prestigious recognition indeed. More information is available on the Ossining PTA website.

Ossining Documentary and Discussion series this Thursday night is featuring the film “Flow” which is about the water crisis in this country, and internationally, and what solutions are being considered. Following the film, you will have another opportunity to hear from Andy Tiess about water in Ossining, and how some technologies discussed in the film can be used to provide better water right here in our backyard.

Property owners should be aware that the town taxable status date is May 1<sup>st</sup>. All new exemption application must be received on or before that date. Furthermore, renewal applications for fireman’s, elderly, enhanced STAR, clergy, and disability exemptions must also be received by May 1<sup>st</sup>. Finally, renewal applications for wholly exempt property such as churches and educational institutions must likewise be received by the assessor’s office on or before May 1<sup>st</sup>.

Also, today was the first day to sign up on line for Ossining’s Town Summer Camp with the recreation department. Check out their website through the recreation and parks tab on the Town Website, or just [VillageofOssining.org](http://VillageofOssining.org)

In Briarcliff this Sunday, the library is hosting Preserving New York: Winning the Right to Protect a City’s Landmark, a presentation by Professor Anthony C. Wood who will describe how New York City got it’s Landmarks Laws. 2:30-4, co-sponsored with the Briarcliff Manor Scarborough Historical Society.

Tax day is right around the corner, but this year you get a couple of extra days because of a holiday in our nation’s capital so they must be postmarked by next Monday, April 18<sup>th</sup>. There may still be time for you to get help with your tax preparation at the Ossining Public Library. First come first serve, sign up at the door 10am-2pm on Thursday. Available to everyone.

Please also take some time to weigh in about your community parks. There is a survey on the [townofossining.com](http://townofossining.com) website where you can add your opinion about what you believe would improve our town parks.

As we discussed last week, you may have received notification about the Community Choice Aggregation electricity supply that will replace the Con Ed supplied electricity in Ossining and other nearby municipalities. The winning bidder for this was Con Ed Solutions, which is another energy company, separate from Con Ed. If you do nothing, you will be participating in what may be one of the largest demands for green energy--Ossining’s default--in the nation. We have partnered with 20 other municipalities to offer this to our community. If you do not want to receive this low-cost electricity supply, you can opt out, or if you are not currently being supplied by Con Ed so therefore did not receive a letter from us, you may also opt in. Just call (855) 4WC-POWER which is (855) 492-7693 or go to [Westchester power.org](http://Westchesterpower.org).

Our regular meeting includes accepting two sets of minutes, two sets of voucher detail reports—the very last, and this time I mean it, for 2015-- four budget adjustments to finish out 2015, and then a resolution to assign the revised Snowden PILOT agreement to Standard Property, the purchaser who presented to us at our last Town Hall Meeting.

As always, the last portion of our board meeting is visitor recognition. We acknowledge that many of you continue to have questions and concerns about the revaluation process in the Town of Ossining. As you are aware, we have scheduled a Town Hall meeting next Tuesday, April 19<sup>th</sup> at the Ossining Library to have a more robust conversation. We have invited Tyler Technologies, our independent monitor Michael Haberman Associates, and John Wolham from the NYS Department of Tax and Finance, Office of Real Property, to present answers to many of the questions we anticipate gathering from you tonight, and to have an opportunity for us to do our best to address as many of your concerns as possible. I think I speak for all of us on the Town Board when I say we have heard and read many of the questions that have been circulating. We are trying to get as good an understanding as

possible of what the implications are for taxpayers so we can continue to do the best job serving our entire community. Also, we have extended the day to set up an appointment with Tyler to April 15<sup>th</sup>, this Friday, (appointments go through May 6<sup>th</sup>), so they can work with you if you feel your new valuation estimate is not right. With that said, we will be taking questions and comments tonight and will have Fernando, Tyler and John Wolham present answers to those questions next week, at our Town Hall meeting at the Ossining Library, starting at either 7:00 p.m. or 7:30 p.m. If you would like to submit a question in writing, that is also fine and if you give us an email and we can get back to you easily, we will.

For tonight, we ask that you keep your question or comments to 3 minutes so everyone has a chance at the microphone.

Councilmember Jeffrey announced that on April 13<sup>th</sup> at the Elks Club on Croton Avenue there will be Naloxone Training the opiate antidote to save a life from 5:30 p.m. to 7:00 p.m. Please call Senator Carlucci's office at 914- 941-2041 to register.

### **III. PUBLIC COMMENT ON AGENDA ITEMS**

John Perillo Havell Street commented on resolution E-Snowden House-PILOT and questioned what the assessment is on that building and what is the dollar amount if it wasn't a pilot program?

Supervisor Levenberg said she did not have that information with her but the pilot is 10% of the shelter rent and this is a pilot that is being extended. The new purchaser will be making a lot of improvements. Many of the residents are Section 8 recipients.

Mr. Perillo questioned-Is this sale based on the agreement allowing this pilot to go on?

Supervisor Levenberg answered yes.

Mr. Perillo feels that the improvements should be properly documented.

Supervisor Levenberg will pass this message on to the Village.

Councilmember Jeffrey advised that all four entities have to agree on the pilot program: Town Board, Village Board, Ossining Public Schools and Library.

### **IV. BOARD RESOLUTIONS**

#### **A. Approval of Minutes**

Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the March 22, 2016, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

#### **B. Approval of Minutes**

Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the April 5, 2016, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

**C. Approval of Voucher Detail Report**

**Councilmember Wilcher moved and it was seconded by Councilmember D’Attore that the following be approved:**

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated April 12, 2016 in the amount of \$4,005.00 for 2015 and \$242,801.52 for 2016. Grand total of \$246,806.52.**

**Motion Carried: Unanimously**

**D.Finance: Budget Modifications**

**Councilmember Wilcher moved and it was seconded by Councilmember D’Attore that the following be approved:**

**Resolved, that the 2015 Budget is modified as described below:**

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FROM G/L ACCOUNT
<b>MCTMT Payroll Tax</b>			
010.1980.0438 MCTMT Payroll Tax	2.00		010.9010.0812 Social Security
010.1110.0454 Court Security	1982.00		
010.1440.0413 Consultant	350.00	2334.00	010.9010.0812 Social Security
<b>Employee Benefits</b>			
031.9010.0813 Workers Comp	400.00	400.00	031.9010.0815 Unemployment

**Motion Carried: Unanimously**

**E. Snowden House-PILOT**

**Councilmember D’Attore moved and it was seconded by Councilmember Wilcher that the following be approved:**

**Whereas, the property known as Snowden House located at 35 Snowden Avenue in the Village and Town of Ossining(the “Property”),, was granted aPayment in Lieu of Taxes (“PILOT”), in 2006; and**

**Whereas, Standard Property Company, Inc. (“Standard”) of New York, New York is under a certain Purchase and Sale Agreement dated December 17, 2015 to acquire the Property; and**

**Whereas, Standard intends to make a long-term commitment to the Property and to the community, including the restoration of all units and exterior and interior common spaces, and most importantly, long term affordability at the same AMI level as is currently served by Snowden House; and**

**Whereas, in order to facilitate these long-term plans, including obtaining the necessary financing, Standard has made a request to assign, assume and extend the current PILOT agreement; and**

**Whereas, the Town of Ossining has administered this and all other PILOTs in Ossining, and is one of four local taxing entities that must approve any such extension or change in terms of the PILOT, with such entities also including the Village of Ossining, Ossining Union Free School District, and the Ossining Public Library; and**

Now, therefore be it Resolved, that the Town Board of the Town of Ossining does hereby support assigning and amending the PILOT agreement for Snowden House to include the additional terms and modifications set forth below:

- a) The PILOT agreement shall be assigned to Standard.
- b) The PILOT term shall run for a 31 year period from the closing of Standard's acquisition of the Property.
- c) The annual payment by Snowden House shall be the greater of \$60,000 or 10% of the annual Shelter Rent for the prior calendar year, Shelter Rent being defined as consistent with the 2006 PILOT agreement.
- d) The annual payment described above shall be accompanied by substantiation of the shelter rents in the form of an audited financial document, submitted no later than April 30<sup>th</sup>. Failure to provide such financials timely, and in the form described herein and in the amended PILOT agreement entered into by the parties, shall render the property ineligible for the PILOT in that year, and the property will be assessed at market rate for the purposes of calculating the coming year's Town/County taxes, School taxes, and Village taxes.
- e) In the initial year of the amended PILOT agreement (2016) and in year 16 (2031), the property owner will pay an impact fee to each of the four local taxing entities identified above in the amount of \$50,000 per entity in recognition of the impact that a PILOT agreement has on the share paid by other property owners within the various municipalities. The impact fee is to be utilized for a community improvement project.
- f) The affordability restrictions as established by New York State Homes and Community renewal, and the amended PILOT agreement, shall run with the land itself and not with the property owner.
- g) This list is not exclusive and the Town Board reserves the right to pursue any other additions or modifications to the 2006 PILOT Agreement as it may see fit.

Be it further Resolved, the Town Supervisor is authorized to execute any documents consistent with this resolution to give effect to this resolution.

Motion Carried: Unanimously

## **V. MONTHLY REPORTS**

Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the March of 2016:

- Town Clerk's Office
- Town Building Department
- Town Supervisor's Office
- Dale Cemetery
- Tax Receiver's office for February & March

Motion Carried: Unanimously

## **VI. VISITOR RECOGNITION**

Ellen Kahan Ganung Drive expressed concern over the noise issues coming from 25 Studio Hill Rd. Recently in addition to the noise, they were holding parties on the lawn. She would like this addressed prior to them renewing their Cabaret License for 2016.

John Perillo advised the Board that the previous Supervisor, Susanne Donnelly told him that the condominiums were not paying their fair share. Mr. Perillo suggests that the Board consider looking at phasing in of the revaluation over a 5 year

period. This will allow residents time to decide what they want to do with their home.

Mr. Weinbaum Brookville Ave. noticed on the reassessment disclosure notice it only shows the actual school taxes and was questioning the validity of the format that they are using. There would have been a 20% increase in his taxes.

Michael Milner Cedar Lane thanked the Board for all their work on the Sustainable Westchester Program. Mr. Milner feels that revaluation has a flawed methodology. Based on his assessment his home was compared to homes that are not in his neighborhood. Is Tyler looking at the detractors that are part of the assessment such as traffic, motorcycle shop behind his house, etc...? Feels that there is a clear flaw in their methodology.

Frank Lavaglia Birch Court thanked the Supervisor for helping him find his property assessment record. Why don't all residents have access to that? There is no sheet to explain the various factors. Are these license assessors going around the neighborhood? Why is the burden on the Ossining residents to refute their own taxes? What about the seniors who are on the fixed income? Ossining property assessor revaluation, do we have submit the questions?

Councilmember Feldman said she will be at the meeting on Thursday to write down the questions.

Mr. VanSteen S. Highland Ave. was pleased to see the sheet of the values of the total properties in Ossining. It would be nice to have that valuation come out with the revised notices before June 1<sup>st</sup>. After reviewing the values of homes in Ossining, it seems that the land value is higher than the building value. Mr. VanSteen would like Assessor, Fernando Gonzalez to address the CDB zone and how many of these are in Ossining.

Eric Shatz Hamilton Ave. In the past older properties were given assessments as depreciation and the value was reduced due to the age of the house. The antique properties that give the look of the village will be destroyed.

**VII. ADJOURNMENT –Consider motion for Executive Session to discuss proposed litigation and to consult with Legal Counsel.**

At 8:45 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the meeting be adjourned.

At 8:45 P.M., Councilmember Feldman moved and it was seconded by Councilmember Jeffrey that the adjournment be amended to Executive Session.

At 11:00 p.m. Councilmember Jeffrey moved and it was seconded by Councilmember D'Attore leave Executive Session

At 11:01 p.m. Councilmember Feldman made a motion to adjourn the meeting and it was seconded by Councilmember Wilcher.

**Motion Carried: Unanimously**

**Approved:**

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Mary Ann Roberts, Town Clerk